

Remarks

Claims 1-3, 5-8, and 11-20 were rejected under §112, first paragraph and under §112, second paragraph. Claim 1 has been canceled and claims 2-3, 5-8 and 11-20 amended to depend from claim 21 that was not rejected on these bases. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1-3, 5-6, 11-19, and 21 were rejected as unpatentable over TAKATANI et al. JP 07-220755 in view of MCMAHAN et al. 6,002,240 and claim 7 was further rejected in view of SHIBUYA et al. 2002/0034678. The Official Action discusses a rejection of claims 8 and 20 on page 6, but does not specifically identify the basis for the rejection. Clarification is respectfully requested.

Claim 21 has been amended and reconsideration and withdrawal of the rejections of claims 2-3, 5-8, and 11-21 are respectfully requested.

Amended claim 21 provides, among other features, that the positive and negative electrode collectors each has a respective uncoated area that is free of active material (support at page 7, lines 8-11; Figure 4 elements 2a, 3a), where the positive and negative electrode terminals and the third terminal are attached to the uncoated areas, where the third terminal does not directly contact either of the positive and negative electrode terminals and is attached to the uncoated area at a different position than the respective one of the positive and negative electrode terminals in order to avoid an influence on the third terminal of heat from the respective one of the positive and negative electrode terminals.

Neither TAKATANI et al. nor MCMAHAN et al. disclose collectors with uncoated areas free of active material, where the electrode terminals and the third terminal are attached to the respective uncoated area as claimed in claim 21. TAKATANI et al. disclose that the PTC elements 8,9 are attached to active parts of the collectors and does not suggest that a third terminal is to be attached to an uncoated area as claimed. Even if extensions 10, 12 in

TAKATANI et al. are uncoated (though there is no apparent indication that this is so) and attached to the terminals 5,6, there is no suggestion to attach the third terminal to these uncoated portions at a different position than the positive/negative terminal. MCMAHAN et al. is relied upon for other features and does not make up for this shortcoming. In other words, the combination does not teach the artisan where to attach the third terminal or that the third terminal is to be attached to an uncoated part of the collector to which the positive/ negative terminal is attached.

Since the references do not disclose all the claim limitations, amended claim 21 avoids the rejection under §103.

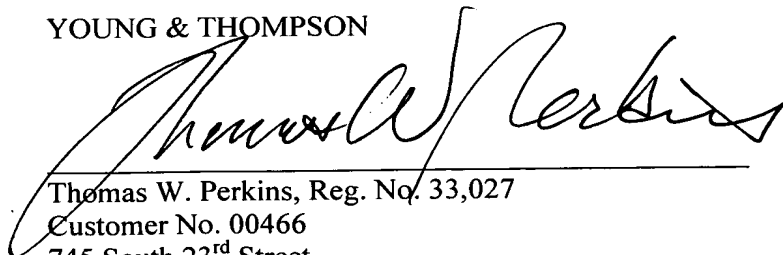
The remaining claims have been amended to depend from claim 21 and are allowable for the same reasons.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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